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COMMISSION ON NARCOTIC DRUGS ACTING AS PREPARATORY BODY FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY DEVOTED TO THE FIGHT AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES
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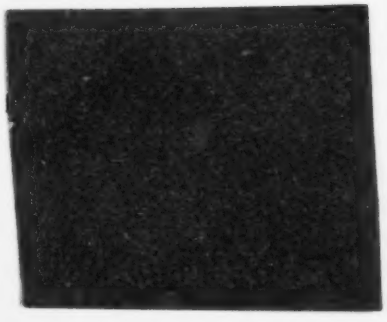

PREPARATIONS FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY TO CONSIDER THE FIGHT AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES AND TO PROPOSE NEW STRATEGIES, METHODS, PRACTICAL ACTIVITIES AND SPECIFIC MEASURES TO STRENGTHEN INTERNATIONAL COOPERATION IN ADDRESSING THE PROBLEM OF DRUG ABUSE AND ILLICIT TRAFFICKING

Substantive issues to be considered by the General Assembly at its special session

Report of the Executive Director

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INTRODUCTION

1. The General Assembly, in its resolution 51/64, section IV, decided, *inter alia*, "to convene a special session in order to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, and to propose new strategies, methods, practical activities and special measures to strengthen international cooperation in addressing the problem of illicit drugs". It will be the task of the Commission on Narcotic Drugs, as the preparatory body for the special session, to identify more precisely the issues to be considered at the special session, taking into account the guidance provided in that resolution. The Assembly, in the same section of that resolution, stressed that the special session should "be devoted to assessing the existing situation within the framework of a comprehensive and balanced approach that includes all aspects of the problem, with a view to strengthening international cooperation ..., and within the framework of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[1] and other relevant conventions and international instruments". In particular, it should review progress made in implementing the Global Programme of Action adopted at its seventeenth special session, on 23 February 1990.[2] Several specific objectives linked to the overall purpose of the special session were identified.

2. The issues to be considered at the special session can be viewed as consisting of several interrelated elements. First, an assessment will need to be made of the existing situation. The touchstone for this analysis could be the review of the progress made in implementing the Global Programme of Action. Secondly, adherence to the international drug control treaties and their full implementation by all States should be advanced by the special session. Three of the specific objectives identified in the General Assembly resolution are closely tied to implementation of the 1988 Convention: increased cooperation to contribute to the application of the law; prevention of diversion of chemicals used in illicit drug production and strengthening of control of stimulants and their precursors; and prevention of and sanctions for money-laundering. Thirdly, policies for the control of drug abuse and other measures to reduce the illicit demand for drugs should be adopted and promoted, including at the international level. Fourthly, international cooperation to develop programmes to eradicate illicit crops and to promote alternative development should be encouraged. Fifthly, the adoption of measures to strengthen coordination within the United Nations system in the fight against drug trafficking and related organized crime, against terrorist groups engaged in drug trafficking and against the illicit arms trade is envisaged. Each of these aspects are addressed in the present report.

3. The Commission may wish to identify those issues which will need to be further elaborated during the inter-sessional period to enable preparation of a specific proposal on the substantive outcome of the special session to be considered by the Commission at its forty-first session. It should be recalled that the General Assembly has also invited the organs, organizations and specialized agencies in the United Nations system, including multilateral development banks, to contribute fully to the preparations for the special session. In particular, they have been invited to submit to the Commission, as the preparatory body for the special session, through the Executive Director of the United Nations International Drug Control Programme (UNDCP), concrete recommendations on the issues to be addressed.

I. REVIEW OF PROGRESS MADE IN IMPLEMENTING THE GLOBAL PROGRAMME OF ACTION

4. The implementation of the Global Programme of Action is under continuous review. Reports were prepared by the Secretary-General on implementation of the Global Programme of Action and submitted to the General Assembly at its forty-eighth, forty-ninth, fiftieth and fifty-first sessions (A/48/286, A/49/352, A/50/460 and A/51/436). The present review could be supplemented by a succinct analysis of recent and emerging trends in the abuse of and trafficking in drugs. Building upon the analyses already completed, the special session could take stock of the efforts of Governments, international organizations and civil society in implementing the Global Programme of Action. The continued relevance and relative priority of the various activities could be assessed, and an inventory of successful and less successful initiatives prepared. Gaps and overlapping activities could be pinpointed, and new activities, a more rational division of labour and corrective action to remove impediments to effective implementation adopted.

5. Although such a review would need to be comprehensive, it would not be possible to give equal weight to all issues. The review could thus focus on those issues identified by the General Assembly in its resolution 51/64, as summarized in the present report. This review would act as a benchmark for future action, including further measures to be adopted or recommended by the General Assembly at the special session.

II. ADHERENCE TO AND IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES

6. The special session will be an occasion to reaffirm the importance of the international drug control treaties. It should contribute to mustering the political will to increase the number of States parties to the treaties, and to advance their full implementation. The Assembly could adopt a political declaration for this purpose. Such a declaration should not, however, be limited to the international drug control treaties, but rather be broad enough to cover all needed action, including that not specifically covered by the treaties. Three specific objectives relating to full implementation of the 1988 Convention are considered further below.

A. Judicial cooperation

7. The 1988 Convention envisages wide-ranging cooperation between States in applying the legal measures enumerated in the Convention to apprehend drug traffickers, to secure their conviction and punishment and to trace, freeze and confiscate illicit proceeds. Since the negotiation of the 1988 Convention, many States have modernized their legislation to implement the provisions of that Convention. In addition, many bilateral and regional agreements have been negotiated to further the extradition of drug traffickers, to facilitate the exchange of evidence and to increase cooperation among law enforcement agencies.

8. The Assembly could assess the extent to which Governments have been effectively implementing the relevant provisions of the 1988 Convention and other measures designed to enhance judicial cooperation. It

could identify how such cooperation could be improved, including specific measures that could be adopted by States. The Assembly might explore whether new measures to complement the 1988 Convention might be recommended, such as measures to protect judges, prosecutors and witnesses from threats and intimidation, and new investigative techniques, such as court-supervised interceptions of communications, monitoring of accounts at financial institutions and undercover operations. In addition, although the confiscation of the proceeds of drug trafficking is one of the most effective tools to undermine drug-trafficking organizations, it has been little used. Measures to simplify confiscation proceedings, harmonize procedures and increase international cooperation might be proposed. The International Narcotics Control Board, in chapter I of its report for 1996,[3] makes a number of recommendations on measures to improve the efficiency of criminal justice systems to prevent and control the illicit supply and consumption of drugs. The Assembly might consider adopting measures based on those recommendations.

B. Prevention of diversion of chemicals used in illicit drug production and strengthening control of stimulants and their precursors

9. The provisions of the 1988 Convention aimed at preventing the diversion of precursors have been supplemented by recommendations of the General Assembly, the Economic and Social Council, the Commission, the Board and the Chemical Action Task Force established by the Heads of State or Government of the seven major industrialized countries. The Assembly could assess the current status of implementation by Governments of the relevant provisions of the 1988 Convention, in particular article 12, and the various recommendations supplementing that Convention. It could then identify priority actions at the international and national level that may be required to strengthen controls over precursors in order to prevent their diversion to illicit channels and to apprehend international traffickers of precursors through advanced techniques such as controlled delivery.

10. Areas that might be explored include recommendations on making better use of pre-export notification for substances in Table I of the 1988 Convention and on the possibility of introducing pre-export notifications for substances in Table II. Consideration might also be given to the development of an import and export authorization system. Measures might also be considered to improve the collection of information on the licit uses and movement of precursors and to develop a system for sharing such information.

11. The problem of the abuse of and trafficking in stimulants has been increasing in recent years and has now reached a global scale. This alarming situation has galvanized Governments and international organizations to act against this menace. Of particular note is the recent Expert Meeting on Amphetamine-type Stimulants, organized by UNDCP and held at Shanghai, China, from 25 to 29 November 1996. The Expert Meeting examined the nature and extent of the global problem and recommended concrete measures to tackle it. The report of the Expert Meeting, containing its conclusions and recommendations, is before the Commission (E/CN.7/1997/6). The special session could consider the growing problem of stimulants and the recommendations emanating from the Expert Meeting. It could identify what additional measures may be required at both the international and national level to tackle the problem, and recommend the adoption of those measures by Governments.

C. Prevention of and sanctions for money-laundering

12. The tracing and seizing of illicit proceeds is today widely recognized as being an effective weapon in the fight against drug trafficking and other organized criminal activity. The 1988 Convention provides the foundation for international cooperation to prevent the laundering of the proceeds of illicit drug trafficking by requiring parties to establish as offences in their domestic law the laundering of such proceeds and to cooperate in the investigation and prosecution of such offences. In addition, the 1988 Convention requires parties to enact legislation that allows them to confiscate the proceeds and instrumentalities of drug-trafficking offences and to cooperate with one another in the identification, seizing, freezing and confiscation of such proceeds and

instrumentalities. Since the negotiation of the 1988 Convention, a number of measures have been identified by States, regional groups and other organizations, such as the 40 recommendations of the Financial Action Task Force established by the Heads of State or Government of the seven major industrialized countries (Group of Seven) and the President of the European Communities, to enable States to prevent their financial institutions from being used to launder money. In addition, chapter I of the report of the Board for 1995[4] contains a number of specific recommendations on action against money-laundering. Those measures might be harmonized and made universal by their adoption by the Assembly at its special session.

III. REDUCTION OF ILLICIT DEMAND

13. The General Assembly, the Council and the Commission have all called for increased attention to be given to demand reduction. This issue should therefore be viewed as one of the main focuses of the special session. The major outcome of the special session in this regard could be a declaration on the guiding principles of demand reduction, currently being drafted under the auspices of the Commission pursuant to Council resolutions 1995/16 and 1996/18. It should be recalled that the Commission at its thirty-ninth session decided that the objective should be to ensure that the draft declaration would be ready for adoption by the special session. A report on the progress made by the working group with expertise in demand reduction established by the Commission to assist in this process is before the Commission (E/CN.7/1997/CRP.4). In addition, the special session may also consider what action would be necessary to implement the declaration.

IV. ERADICATION OF ILLICIT CROPS AND ALTERNATIVE DEVELOPMENT

14. The eradication of illicit crops is a basic tool to reduce illicit cultivation. The General Assembly could assess the current use and availability of methods to identify illicit crops and the use of environmentally safe and effective methods to eradicate them. It could identify measures to increase access to accurate and cost-effective techniques to identify illicit crops. It could also consider how best to promote the use of safe and effective techniques to eradicate illicit crops.

15. Over a period of several decades alternative development as a means of reducing illicit cultivation has come to be widely recognized by the international community as an indispensable component of the international drug-control strategy. The methodologies and approaches used for alternative development have been elaborated and refined over a number of years through the implementation of a series of projects by Governments supported by the international community. While these methodologies and approaches have demonstrated their effectiveness, experience has shown that the application of these techniques must be supported by sufficient political will, enforcement measures and appropriate governmental policies and institutions, as well as adequate financial resources in order to ensure their long-term impact and sustainability. The General Assembly could consider what additional measures may be required to encourage the Governments concerned to take the need for alternative development into account when defining their overall economic strategies. In parallel, measures might be designed to ensure that the United Nations system, including the Bretton Woods institutions, attaches priority to coordinating sustainable development cooperation programmes and investments that directly or indirectly support alternative development initiatives, and that Member States act in a coordinated manner in the governing bodies of all relevant parts of the system. Beneficiary countries should also call on the international and regional financial institutions and development aid organizations in negotiating loans and grants to incorporate drug-control objectives in their development programmes.

V. STRENGTHENED INTERNATIONAL COOPERATION

16. In its resolution 51/64, the General Assembly specifically recognized the need for strengthening coordination within the United Nations system to fight drug trafficking and related organized crime, terrorist groups engaged in drug trafficking and the illicit arms trade. The General Assembly could assess the extent of these interrelated problems, as well as the measures currently employed to fight international drug-related crime. It could then consider what additional measures would enhance international cooperation in this important area. In particular, the roles and responsibility of the main United Nations bodies and organizations involved in this fight could be examined with a view to rationalizing functions, strengthening coordination and providing adequate resources for the task.

17. In addition to enhanced cooperation within the system in the fight against drug trafficking and related organized crime, terrorist groups engaged in drug trafficking and the illicit arms trade, international cooperation is vital to all aspects of drug control, including demand reduction and alternative development. The international community has come to recognize, as is often repeated in the Commission and the General Assembly, that drug abuse and drug trafficking have become truly global problems, and that only a concerted global response can be effective. This concern has been matched - or even exceeded - by increasing expectations placed in the United Nations. The Commission and UNDCP are continuously challenged to become ever more effective, increasing the range, quality and quantity of their work. The General Assembly could thus consider whether the international drug control machinery in place is adequate to meet these emerging challenges, and what changes, if any, in institutional arrangements and approaches could be considered in light of the reform measures of the United Nations.

18. In order to reinforce the United Nations machinery for drug control, the General Assembly, in the deliberations at its special session, could consider how best to reinforce the advocacy and leadership role of UNDCP. Measures to ensure that UNDCP has adequate human and financial resources to serve as a global centre of expertise and source of technical cooperation could be adopted. In addition, Member States could commit themselves to providing a more solid, broader-based system of support for international cooperation in drug control through active participation in the activities of UNDCP. The special session could also result in the revitalization of the intergovernmental drug-control machinery, in order to coordinate international drug-control policy more effectively and to provide policy and managerial guidance to UNDCP, including the possible use of subsidiary organs of the Commission.

Notes

[1]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988,* vol. I (United Nations publication, Sales No. E.94.XI.5).

[2]See resolution S-17/2, annex.

[3]*Report of the International Narcotics Control Board for 1996* (United Nations publication, Sales No. E.97.XI.3).

[4]*Report of the International Narcotics Control Board for 1995* (United Nations publication, Sales No. E.96.XI.1).